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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2008-303

11 **TINA LOUISE CHASE**  
12 4630 E. Shields Ave. # 136  
Fresno, CA 93726

**A C C U S A T I O N**

13 Registered Nurse License No. 535476

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about August 18, 1997, the Board of Registered Nursing issued  
22 Registered Nurse License Number 535476 to Tina Louise Chase (Respondent). The Registered  
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on October 31, 2008, unless renewed.

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26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing  
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

## 2 STATUTORY PROVISIONS

3 4. **Section 118, subdivision (b)**, of the Code provides that the suspension,  
4 expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to  
5 proceed with a disciplinary action during the period within which the license may be renewed,  
6 restored, reissued or reinstated.

7 5. **Section 490** of the Code states:

8 "A board may suspend or revoke a license on the ground that the licensee has  
9 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
10 duties of the business or profession for which the license was issued. A conviction within the  
11 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
12 contendere. Any action which a board is permitted to take following the establishment of a  
13 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
14 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
15 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
16 Penal Code."

17 6. **Section 492** of the Code states:

18 "Notwithstanding any other provision of law, successful completion of any diversion  
19 program under the Penal Code, or successful completion of an alcohol and drug problem  
20 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of  
21 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
22 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in  
23 that division, from taking disciplinary action against a licensee or from denying a license for  
24 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
25 record pertaining to an arrest.

26 7. **Section 2750** of the Business and Professions Code (Code) provides, in  
27 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
28 temporary or an inactive license, for any reason provided in Article 3 (commencing with section

1 2750) of the Nursing Practice Act.

2 8. **Section 2764** of the Code provides, in pertinent part, that the expiration of  
3 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
4 against the licensee or to render a decision imposing discipline on the license. Under section  
5 2811(b) of the Code, the Board may renew an expired license at any time within eight years after  
6 the expiration.

7 9. **Section 2761(a)** of the Code provides that the board may take disciplinary  
8 action against a certified or licensed nurse for unprofessional conduct.

9 10. **Section 2762** of the Code states:

10 "In addition to other acts constituting unprofessional conduct within the meaning  
11 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed  
12 under this chapter to do any of the following:

13 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
14 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish  
15 or administer to another, any controlled substance as defined in Division 10 (commencing with  
16 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
17 defined in Section 4022.

18 "(b) Use any controlled substance as defined in Division 10 (commencing with  
19 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
20 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
21 injurious to himself or herself, any other person, or the public or to the extent that such use  
22 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
23 license.

## 24 **COSTS**

25 11. **Section 125.3** of the Code provides, in pertinent part, that the Board may  
26 request the administrative law judge to direct a licentiate found to have committed a violation or  
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
28

1 and enforcement of the case.

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3 **DRUGS INVOLVED**

4 12. Diazepam is a schedule IV controlled substance pursuant to Health and  
5 Safety Code Section 11057(d).

6 13. Darvocet is a schedule IV controlled substance pursuant to Health and  
7 Safety Code Section 11057(c).

8 14. Marijuana is a schedule I controlled substance pursuant to Health and  
9 Safety Code Section 11054.

10 15. Amphetamine and methamphetamine are schedule II controlled substances  
11 pursuant to Health and Safety Code Section 11055.

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13 **FACTUAL BACKGROUND**

14 16. In or about November 2003, Respondent failed a pre-employment drug  
15 test. Respondent tested positive for methamphetamine.

16 17. On or about June 28, 2006, before the Fresno County Superior Court, Case  
17 No. F06904213-6, Respondent plead guilty of violating Health and Safety Code Section  
18 11377(a), possession of a controlled substance, to wit, amphetamine. Respondent's guilty plea  
19 was part of a negotiated plea in which respondent entered a drug program with a deferred entry of  
20 judgement. The circumstances leading to respondent's guilty plea are as follows:

21 a. On or about June 14, 2006, Fresno Police found Respondent sitting  
22 in a car that was emitting a strong odor of methamphetamine. Fresno Police found Darvocet,  
23 Diazepam, marijuana, and methamphetamine in respondent's vehicle. Respondent informed the  
24 police that she did not have a prescription for Darvocet. Police found a prescription made out to  
25 Theodora McMichael for Diazepam. Respondent admitted to smoking marijuana as recently as  
26 the night before.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 18. Respondent is subject to disciplinary action under section 2761(a) of the  
4 Code in that she engaged in unprofessional conduct. The circumstances are set forth in  
5 paragraphs 16 and 17, above.

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7 **SECOND CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct- Possession of Controlled Substance)

9 19. Respondent is subject to disciplinary action under section 2762(a) of the  
10 Code in that she possessed in violation of law, a controlled substance as defined in Division 10  
11 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or  
12 dangerous device as defined in Section 4022. The circumstances are set forth in paragraphs 16-  
13 17, above.

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15 **THIRD CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct- Use of Controlled Substance)

17 20. Respondent is subject to disciplinary action under section 2762(b) of the  
18 Code in that she used controlled substance as defined in Division 10 (commencing with Section  
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
20 Section 4022, to the extent that such use impaired her ability to conduct with safety to the public  
21 the practice authorized by his or her license. The circumstances are set forth in paragraphs 16-  
22 17, above.

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1 PRAYER

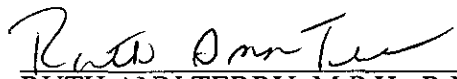
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 535476, issued  
5 to Tina Louise Chase.

6 2. Ordering Tina Louise Chase to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 1/23/08

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13 RUTH ANN TERRY, M.P.H., R.N.  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant  
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